

The Hon. Benjamin H. Settle

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRIAN BUCKINGHAM,

Defendant.

NO. CR20-5269-BHS

**PRELIMINARY ORDER OF  
FORFEITURE**

THIS MATTER comes before the Court on the United States' Motion for a Preliminary Order of Forfeiture ("Motion") seeking to forfeit, to the United States, Defendant Brian Buckingham's interest in the following electronic equipment that was seized from Defendant's residence on June 10, 2020 (collectively, "Subject Property"):

- a. One SanDisk Ultra Plus 32 GB (Item A, originating from WSP item #CX0648);
- b. One San Disk Ultra Plus 32 GB (Item B, originating from WSP item #CX0648);
- c. One San Disk Ultra Plus 32 GB (Item C, originating from WSP item #CX0648);

- d. One iPhone 7 Plus, serial number F2LSY 4V0H FY2 (WSP item #CX0726);
- e. One WD My Passport Ultra, portable hard drive (WSP item # CX065 l);
- f. One Seagate Backup Plus, portable hard drive (WSP item # CX0699); and
- g. One iPhone 6s Plus, serial number F2LQP52JGRX8 (WSP item #CX0650).

The Court, having reviewed the United States' Motion, as well as the other papers and pleadings filed in this matter, hereby FINDS entry of a Preliminary Order of Forfeiture is appropriate for the following reasons:

1. The above-identified Subject Property is forfeitable pursuant to 18 U.S.C. § 2253(a), as it is comprised of prohibited images and/or is property used to commit or facilitate the commission of *Abusive Sexual Contact*, in violation of 18 U.S.C. §§ 2244(a)(5), 2246(3), and 1153; and *Production of Child Pornography*, in violation of 18 U.S.C. §§ 2251(a)(1) and (e); and,

2. Pursuant to the Plea Agreement he entered on December 4, 2024, the Defendant agreed to forfeit the Subject Property, pursuant to 18 U.S.C. § 2253(a) (Dkt. No. 156 ¶ 14).

NOW, THEREFORE, THE COURT ORDERS:

1. Pursuant to 18 U.S.C. § 2253(a) and his Plea Agreement, the Defendant's interest in the above-identified electronic equipment is fully and finally forfeited, in its entirety, to the United States;

2. Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A)-(B), this Preliminary Order will be final as to the Defendant at the time he is sentenced, it will be made part of the sentence, and it will be included in the judgment;

3. The United States Department of Justice and/or its authorized agents or representatives ("DOJ") shall maintain the electronic equipment in its custody and control until further order of this Court. The DOJ shall destroy any prohibited images

1 unless they have been destroyed already or will be retained for official, investigative use,  
2 as permitted by 21 U.S.C §§ 853(i) and 881(e);

3 4. Pursuant to Fed. R. Crim. P. 32.2(b)(6) and 21 U.S.C. § 853(n), the United  
4 States shall publish notice of this Preliminary Order and its intent to dispose of the  
5 Subject Property as permitted by governing law. The notice shall be posted on an official  
6 government website – currently [www.forfeiture.gov](http://www.forfeiture.gov) – for at least thirty (30) days. For any  
7 person known to have alleged an interest in the electronic equipment, the  
8 United States shall, to the extent possible, provide direct written notice to that person. The  
9 notice shall state that any person, other than the Defendant, who has or claims a legal  
10 interest in the electronic equipment must file a petition with the Court within sixty (60)  
11 days of the first day of publication of the notice (which is thirty (30) days from the last  
12 day of publication), or within thirty (30) days of receipt of direct written notice,  
13 whichever is earlier. The notice shall advise all interested persons that the petition:

- 14 a. shall be for a hearing to adjudicate the validity of the petitioner's  
15 alleged interest in the electronic equipment;  
16 b. shall be signed by the petitioner under penalty of perjury; and,  
17 c. shall set forth the nature and extent of the petitioner's right, title, or  
18 interest in the electronic equipment, as well as any facts supporting  
19 the petitioner's claim and the specific relief sought.

20 5. If no third-party petition is filed within the allowable time period, the  
21 United States shall have clear title to the electronic equipment, and this Preliminary Order  
22 shall become the Final Order of Forfeiture as provided by Fed. R. Crim. P. 32.2(c)(2);

23 6. If a third-party petition is filed, upon a showing that discovery is necessary  
24 to resolve factual issues it presents, discovery may be conducted in accordance with the  
25 Federal Rules of Civil Procedure before any hearing on the petition is held. Following  
26 adjudication of any third-party petitions, the Court will enter a Final Order of Forfeiture,  
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pursuant to Fed. R. Crim. P. 32.2(c)(2) and 21 U.S.C. § 853(n), reflecting that adjudication; and,

7. The Court will retain jurisdiction for the purpose of enforcing this Preliminary Order, adjudicating any third-party petitions, entering a Final Order of Forfeiture, and amending the Preliminary Order or Final Order as necessary pursuant to Fed. R. Crim. P. 32.2(e).

IT IS SO ORDERED.

DATED this 18th day of March 2025.



THE HON. BENJAMIN H. SETTLE  
UNITED STATES DISTRICT JUDGE

Presented by:

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